



UNITED STATES PATENT AND TRADEMARK OFFICE

cen

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/537,701

06/06/2005

Dominique Lo Hine Tong

PF020160

6528

24498 7590 10/09/2007
JOSEPH J. LAKS, VICE PRESIDENT
THOMSON LICENSING LLC
PATENT OPERATIONS
PO BOX 5312
PRINCETON, NJ 08543-5312

EXAMINER

GLENN, KIMBERLY E

ART UNIT

PAPER NUMBER

2817

MAIL DATE

DELIVERY MODE

10/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/537,701

Applicant(s)

LO HINE TONG ET AL.

Examiner

Kimberly E. Glenn

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 7 is/are rejected.
- 7) ☒ Claim(s) 4 6 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

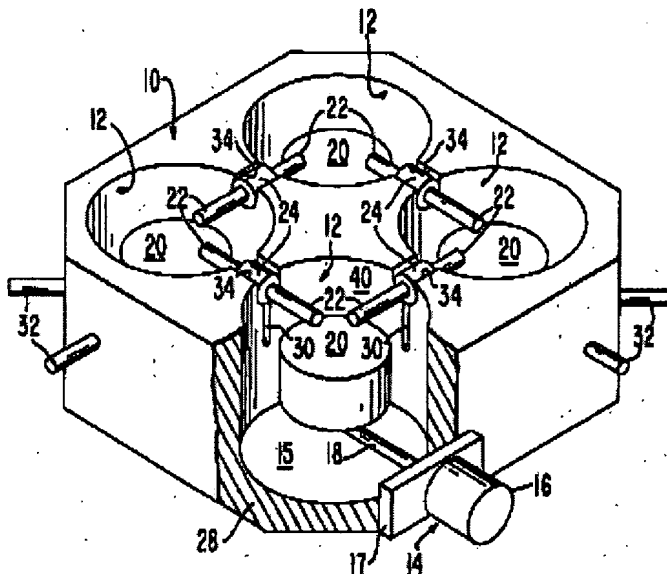
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiedziuszko US Patent 4,453,146 in view of Miller US Patent 3,582,536. (Both of record)

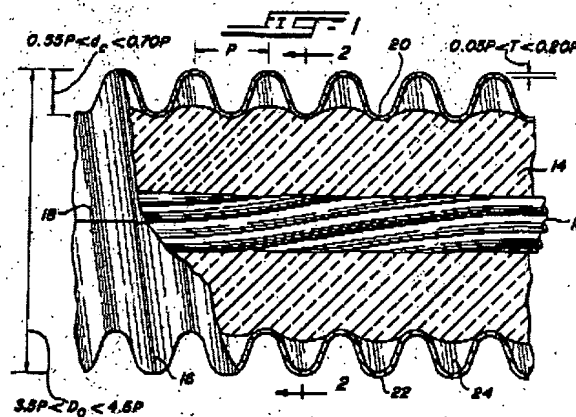
Fiedziuszko disclose dual mode dielectric mode filter comprising four cavities delimited by to inductive irises 30, wherein the filter further comprises conductive probes (22) (which examiner considers to be the floating inserts). A dielectric sleeve supports the conductive probes. The conductive probes (22) are place in a notch (34) at the top of the iris (30). Fiedziuszko states that for ease of illustration, filter 10 is shown with

its top sliced off, so that the upper endwalls 15 are not seen.



Thus, Fiedziuszko is shown to teach all the limitation of the claims with the exception of the floating inserts supported by a block of foam and foam having a relative dielectric constant close to 1.

Miller discloses a foam dielectric sleeve 14. (Column 2; lines 21-22) The foam dielectric is composed of polyethylene. (Column 2; line 43) Polyethylene foam has dielectric constant of approximately 1. (See Klopach et al US Patent 4,278,933 column 5; lines 66-68)



It would have been obvious to one of ordinary skill in the art to replace the general dielectric sleeve of Fiedziuszko with the foam dielectric sleeve as taught by Miller, since it has been held to be within the level of ordinary skill in the art to select known materials on the basis of its suitability for the intended use of providing an isolating means.

Response to Arguments

Applicant's arguments filed 7/11/07 have been fully considered but they are not persuasive. With regard to applicant arguments that " Fiedziuszko merely discloses a conductive probe placed in a set location, a cylindrical notch cut into the housing of a filter. In contrast, the present claimed invention has a floating insert that does not touch any portion of a waveguide filter and can be positioned in various locations in the waveguide filter. "The coupling with the electric field depends among other things on the position of the insert with respect to the centre of the waveguide and the inclination of the insert with respect to the axis of the guide" (page 3, lines 14-16)." These limitations are not recited in the claims. Given the broadest interpretation, Fiedziuszko discloses a filter comprising four cavities delimited by two inductive irises 30, wherein the filter further comprises conductive probes (22) (which examiner considers to be the floating inserts). A dielectric sleeve supports the conductive probes. The conductive probes (22) are placed in a notch (34) at the top of the iris (30).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Miller discloses a foam dielectric sleeve 14 used to insulate a signal carrying inner conductor 12 much in the same way that dielectric sleeve 24 insulates signal carrying probe30. Therefore, one of ordinary skill in the art would have used the dielectric foam of Miller in much the same way as the insulating means of Fiedziuszko would have been used thereby suggesting the obviousness of such modification.

Applicant further argues that the present claimed invention has a floating insert held in place by dielectric foam that does not touch any edge of a waveguide filter, thus allowing the insert to "float". Again this limitation is not recited in the claims. Furthermore, it is evident that the conductive probe of Fiedziuszko does not come in contact with the walls of the cavities.

Applicant argues that neither Fiedziuszko nor Miller, alone or in combination, neither disclose nor suggest, "that the block supports at least one metallization which forms at least one floating insert". The dielectric sleeve of Fiedziuszko clearly supports and insulates the conductive probe from the wall of the cavity in a floating manner. Therefore, Fiedziuszko disclose that the block (dielectric sleeve) supports at least one metallization which form the floating insert (conductive probe). With regard to the arguments that the metallization is "a deposition of conducting paint done through a

mask on which the patterns to be implanted have previously been inscribed" this limitation is not in the claim.

With regards to the argument concerning the claim 2, which recites that, the floating insert is placed near the edge of the iris than to the centre of the iris. Fiedziuszko shows in figure 1, that the conductive probe is placed near the top edge of the iris.

Allowable Subject Matter

Claims 4, 6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

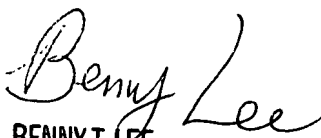
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly E. Glenn whose telephone number is (571)-272-1761. The examiner can normally be reached on Monday-Friday 7:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571)-272-1769. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


BENNY T. LEE
PRIMARY EXAMINER
ART UNIT 2817

Kimberly E Glenn
Examiner
Art Unit 2817

20070928 keg